GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

WRD – Work Charged Establishment – Suits – Sri J.Ratna Kumar, Lascar, Monitoring Division Lingamguntla – Providing compassionate appointment on medical invalidation scheme to comply with the orders of APAT dated 13.8.2014 & 22.09.2014 in OA No.8219/2011 and orders of High Court dated 11.07.2017 in WP No.15354/2016 – Permission accorded – Orders issued.

WATER RESOURCES (SER.IV) DEPARTMENT

G.O.MS.No. 79 Dated: 21-11-2017
Read the following:

1. G.O.Ms.No.214, GA (Ser.A) Department, Dated:9.6.1998
2. G.O.Ms.No.202 GA (Ser.A) Department, Dated:27.4.2002
3. G.O.Ms.No.100 GA (Ser.G) Department, Dated:3.3.2005
4. G.O.Ms.No.246 GA (Ser.G) Department, Dated 30-05-2006
5. G.O.Ms.No.661 GA (Ser.G) Department, Dated: 23-10-2008
6. Orders of Hon'ble APAT Hyderabad dt:13.8.2014 read with corrigendum dt:22.09.2014 In OA No.8219/2011.
7. Orders of Hon'ble High Court dated:11.07.2017 in WP No.15354/2016
8. Representation from Sri J.Ratna Kumar, Lascar, Lingamguntla dt:24.7.2017
9. From the Engineer-in-Chief (IW), WRD, Vijayawada, Lr. No.ENC/IW/P&M/ EE.I/ NTPA/W2/Z3/ 1974/2009 Vol-III , Dated:27.10.2017.
10. Orders of Hon'ble High Court dt:10-11-2017 in CC No.2013/2017 in WP No.15354/2016.

ORDER:

Sri J.Bharatha Rao, Attender was retired from service on Medical Invalidation grounds on 30-05-2001 in terms of the reference first read above based on the recommendations of District Level Committee, Guntur vide Superintending Engineer, NSJC O&M Circle, Lingamguntla Proceedings No.AC.3/E13/193 MT, Dated:7.6.2001. Sri J.Ratna Kumar S/o. Sri J.Bharata Rao has applied for compassionate appointment as Attender. Subsequently the scheme of compassionate appointment on medical invalidation was dispensed with from 27.4.2002 vide reference second read above. His father was invalidated prior to G.O.Ms.No.202 GAD, dated:27.4.2002, having more than (05) years of left over service.

2. As per the instructions of the Collector, Guntur, Sri J.Ratna Kumar was appointed as Lascar on contract basis on 6.1.2006 in terms of the reference third read above. He continued upto (03) years i.e. from 8.2.2006 to 7.2.2009 and thereafter in terms of the orders issued in G.O. 4th read above, after completion of (3) years, he was terminated from Lascar post on contract basis.

3. Aggrieved by the above termination, Sri J.Ratna Kumar has filed OA No.3565/2009 for compassionate appointment in a regular post. The APAT have passed judgement, stating that "the case can be considered for appointment to any suitable post, as per the qualification, eligibility and suitability and as per the directions of Hon'ble Supreme court in Civil Appeal No.4210/2003 and as per the orders issued by the Govt. vide G.O.Ms. No.661, GAD dated:23.10.2008 and directed the respondents to pass appropriate orders. By taking into consideration of Govt. Memo.No.25882/Ser.V.I/2009,dt:24.1.2011 the Superintending Engineer has issued speaking orders to Sri J.Ratna Kumar vide proc. Dt:10.02.2011 stating that there is no scope for appointment to a regular post on compassionate grounds as the decease certified by the medical board for retirement of the Government employees is not complying with the disease specified in para 16(1)(g) of G.O.Ms.No.661, dt:23.10.2008.

4. Aggrieved by the above, Sri J.Ratna Kumar has filed OA No.8219/2011. The APAT in its orders dt: 13.8.2014 read with corrigendum dt:22.9.2014 in OA No.8219/2011 while observing that " the present OA is squarely covered by the orders granted in OA No.2429/2012, dt:16.4.2013 and thus, **allowed the present OA also on similar lines as OA No.2429/2012, dt: 16.4.2013** and set aside the proc.No.AB/AC2/252 M, dt:10-02-2011 and directed to consider the claim of the applicant for regular post on compassionate grounds, as per G.O.Ms.No.661, GAD dt:23.10.2008.

5. The Hon'ble APAT in its orders dt:16.4.2013 in OA No.2429/2012 have made the following order:

> "The previous scheme was covered by G.O.Ms.No.214 dated 09-06-1998. After considering the case of the applicant's father as to whether he was eligible for retirement on medical invalidation, his case was examined and after the certificate was given by the medical board, the respondents accepted the case of the applicant's father and accordingly, he was permitted to retire on medical invalidation. The respondents now cannot say that the disease of the father of the applicant is not covered under G.O.Ms.No.661 dated 23.10.2008 which came in to force in the year 2008 and which has only prospective effect. Since the father of the applicant was permitted to retire from service on medical invalidation when the old scheme was in force, the respondents are bound to consider the case of the applicant for appointment on compassionate grounds to a suitable post.

6. Sri J.Ratna Kumar has filed WP No.15354/2016 in High Court against the orders of APAT dt:31.12.2015 in OA No.7358/2015. While disposing the WP, the Hon'ble High Court in its judgement dt:11.7.2017 have pronounced that :

> "we note, in pursuance of the order dt:13.8.2014 passed by the Tribunal, the petitioner made two representations dt:18.11.2014 and 18.3.2015 on which decision has not been taken by the respondents. Therefore, this court, in exercise of its jurisdiction, give liberty to the petitioner to make a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On such representation being filed, the respondents, keeping in view the proceedings dated:10.02.2011 which were already quashed by the Tribunal in OA No.8219/2011, shall consider such representation and pass appropriated orders thereon in accordance with Law, within a period of four weeks from the date of receipt of the fresh representation.

7. The individual has submitted applications on 24.7.2017 & 27.7.2017 for implementation of the court orders, since his father was permitted to retire from service on medical invalidation on 30.5.2001 having more than 5 years of service, when the old scheme was in force and requested to consider his application for appointment on compassionate grounds on medical invalidation scheme to a suitable post in terms of Hon'ble APAT orders dt:13.8.2014 & 22.9.2014 in OA No.8219/2011 keeping in view of the orders dt:16.4.2013 in OA No.2429/2012, to comply with the High Court orders.

8. The Engineer-in-Chief (IW), Water Resources Department has submitted proposal for providing compassionate appointment to Sri J.Ratna Kumar on medical invalidation grounds, as Office Subordinate with RP No.22 SC available in the O/o. Superintending Engineer, NSJC O&M Circle, Lingamguntla to comply with High Court orders dt: 11.7.2017 in WP No.15354/2016 keeping in view the orders dt:13.8.2014 & 22.9.2014 in OA No.8219/2011 and orders dt:16.4.2013 in OA No.2429/2014, as the earlier speaking orders dt:10.2.2011 issued by the Superintending Engineer, NSJC O&M Circle, have already quashed by the APAT in its orders dt: 13.8.2014 in OA No.8219/2011.

9. In view of the above position, Government after careful examination of the matter, hereby permit the Engineer-in-Chief (IW), WRD to provide compassionate appointment on medical grounds to Sri J.Ratna Kumar, Lascar for the post of Office Subordinate with Roster Point No.22 SC available in the O/o. Superintending Engineer, NSJC O&M Circle, Lingamguntla, so as to comply with the Hon'ble High court orders dt:11.7.2017 in W.P.No.15354/2016 keeping in view the orders dt:13.8.2014 & 22.9.2014 in OA No.8219/2011 and orders dt:16.4.2013 in OA No.2429/2012.

10. The Engineer-in-Chief (IW), WRD, Vijayawada and the Superintending Engineer, NSJC O&M Circle, Lingamguntla are requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (IW), Water Resources Department, Currency Nagar, Vijayawada
The Superintending Engineer, NSJC O&M Circle, Lingamguntla, Narasaraopet, Guntur District.
Copy to:
The District Collector, Guntur District.
The P.S to Chief Secretary to Government (w.r.to CSP No.13562/CSP/2017)
The P.S to Secretary to Government, Law Department
The Government Pleader for Services, High Court, AP, Hyderabad.
The Executive Engineer, Monitoring Division, Lingamguntla, Narasaraopet.
The GA (Ser.E) Department
SF/SC/

//Forwarded : By Order//

SECTION OFFICER